

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4846

Date: July 15, 2010

Applicant: Jason Lord

Address of Property: 3532 Fremont Avenue South

Project Name: 3532 Fremont Avenue South

Contact Person: Jason Lord, (330) 285-0699

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: June 23, 2010

End of 60 Day Decision Period: August 22, 2010

Ward: 10

Neighborhood Organization: CARAG

Existing Zoning: R2B Two-Family District

Zoning Plate Number: 24

Legal Description: Not applicable

Proposed Use: An addition to an existing single family home

Variance: to reduce the required north interior side yard from approximately 5 ft. to 2 ft. 1in. to the wall and 7 in. to the eave in order to allow for the height increase of an existing second-story of a two story single-family dwelling

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations."

Background: The subject property is approximately 42 ft. by 129 ft. (5,418 sq. ft.). The property consists of an existing two-story dwelling on an interior lot. The existing house is considered to be two stories; however, the second floor of the existing dwelling does not comply with the minimum required ceiling height to allow for habitable area. The existing dwelling is located approximately 2 ft. from the wall to the north interior property line and 7 in. from the eave to the property line. The minimum interior side yard setback in the R2B District is 5 ft. Therefore, the applicant is proposing to raise the existing roof 8 ft. at the gable peak to allow for habitable area on the existing second floor. The increase in bulk and height within a required yard requires a variance, which the applicant has applied for.

As of writing this staff report, staff has not received any correspondence from the Calhoun Area Residents Action Group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to the north interior side yard from 5 ft. to 2 ft. to the wall and 7 in. to the eave to allow for habitable area on the second floor of an existing single-family dwelling. The existing dwelling is currently nonconforming to the north interior side yard setback. In order to allow for reasonable use of the property and compliance with the building code, the applicant is required to apply for a variance to reduce the required interior side yard. Strict adherence to the regulations requires that the addition be located behind the minimum of 5 ft. to the north interior side yard setback and would cause undue hardship.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The conditions upon which the setback variance is requested are unique to the parcel. The location of the existing structure is not a circumstance that has not been created by the applicant. The applicant is seeking a variance to the north interior side yard from 5 ft. to 2 ft. to the wall and 7 in. to the eave to allow for habitable area on the second floor of an existing single-family dwelling. The existing dwelling is currently nonconforming to the north interior side yard setback. In order to allow for a reasonable use of the property and compliance with the building code, the applicant is required to apply for a variance to reduce the required interior side yard. Only a portion of the proposed addition, approximately 90 sq. ft., is located in the required yard.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes the proposed variance will not be injurious to the use of the adjacent property, due to the size and location of the proposed addition. The principal structure is only increasing by approximately 8 ft. in height at the peak of the gable roof and on the same footprint as the existing structure. Only a portion of the proposed addition, approximately 90 sq. ft., is located in the required yard. In addition, the exterior materials of the addition will be consistent with the existing single family dwelling.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety. The applicant must work with the Plan Review division of the Regulatory Services Department to ensure that the proposed addition

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complies with the building code. The proposed elevation cannot must show a minimum of 5% glazing to ensure compliance with the minimum window requirements of 535.90(c).

Recommendation of the Department of Community Planning and Economic Development – Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required north interior side yard from approximately 5 ft. to 2 ft. 1in. to the wall and 7 in. to the eave in order to allow for the height increase of an existing second-story of a two story single-family dwelling located at 3532 Fremont Avenue South in the R2B Two-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials shall match the existing dwelling.
3. The north elevation shall comply with the minimum window requirements per 535.90(c) of the zoning code.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Fulton Neighborhood Association and CM Hodges
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs